

Attachment B

AN ORDINANCE TO AMEND PROVISIONS OF THE UNIFIED DEVELOPMENT ORDINANCE REGULATING COMMERCIAL ZONING

WHEREAS, the Durham City Council wishes to amend certain provisions regarding commercial zoning in the Unified Development Ordinance to better promote the community's health, safety, and welfare;

NOW, THEREFORE, be it ordained that Article 1, General; Article 4, Zoning Districts; Article 5, Use Regulations; Article 6, District Intensity Standards; Article 9, Landscaping and Buffering; Article 10, Off-Street Parking and Loading; and Article 16, Definitions, are amended to make the following changes:

SECTION 1

Modify Sec. 1.10, Transitional Provisions, paragraph 1.10.5, Zoning District Name Changes, as set forth in the strikeouts and underlining below.

[Sections 1.1 through 1.9 are omitted.]

Sec. 1.10 Transitional Provisions

[Paragraphs 1.10.1 through 1.10.4 are omitted.]

1.10.5 Zoning District Name Changes

- A.** The zoning district names in effect prior to the effective date of this Ordinance are hereby converted, as shown on the following table

PREVIOUS DISTRICT		NEW DISTRICT	
Residential Districts			
RD	Rural District	RR	Residential Rural
R-20	Residential 20	RS-20	Residential Suburban – 20
R-15, R-10	Residential 15, 10	RS-10	Residential Suburban – 10
R-8	Residential 8	RS-8	Residential Suburban – 8
RM-8, RM-12, RM-16	Residential Multifamily 8, 12, 16	RS-M	Residential Suburban Multifamily
R-5	Residential 5	RU-5	Residential Urban – 5
R-3	Residential 3	RU-5(2)	Residential Urban – 5(2)
RM-16, RM-20	Residential Multifamily 16, 20	RU-M	Residential Urban Multifamily
ITOD-CN	Interim TOD Compact Neighborhood	RC	Residential Compact
RM-CN 40	Residential Multifamily Compact		
RM-CN 60	Neighborhood 40, 60, 80		
RM-CN 80			
Nonresidential Districts			
--	-- NEW --	CI	Commercial Infill
NC	Neighborhood Commercial	CN	Commercial Neighborhood
O&I-1, O&I-2	Transitional Office and Institutional, General Office and Institutional	OI	Office and Institutional
GC	General Commercial	CG	Commercial General
CBD	Central Business District	DD	Downtown Design
RSCH, RAD	Research Park, Research Applications	SRP	Science Research Park

PREVIOUS DISTRICT		NEW DISTRICT	
I-2 CT	Light Industrial Commercial Trade	IL	Industrial, Light
I-3	Heavy Industrial	I	Industrial
Planned Districts			
PDR	Planned Density Residential	PDR	Planned Development Residential
UC	University and College	UC	University and College
SC	Shopping Center	CC	Commercial Center
I-1	Industrial Park	IP	Industrial Park
MU	Mixed Use	MU	Mixed Use
Overlay Districts			
--	-- NEW --	-P	Neighborhood Protection Overlay
--	-- NEW --	-TO	Transitional Office Overlay
60 to 65 LDN Above 65 LDN	Airport Overlay	-A60 -A65	Airport Overlay
MTC	Major Transportation Corridor Overlay	-MTC	Major Transportation Corridor Overlay
-H	Historic District Overlay	-H	Historic Districts & Landmarks Overlay
Watershed Protection Overlay			
M/LR-A, -B F/J-A, -B E-A, -B	Lake Michie/Little River District Falls/Jordan District Eno River District	M/LR-A, -B F/J-A, -B E-A, -B	Lake Michie/Little River District Falls/Jordan District Eno River District

[Paragraphs B and C are omitted.]

SECTION 2

Modify Sec. 4.1, General, paragraph 4.1.1, Establishment of Districts; Sec. 4.3, Nonresidential District Intent Statements, add new paragraph 4.3.1, Commercial Infill (CI), paragraph 4.3.1, Commercial Neighborhood (CN) (renumber as 4.3.2), paragraph 4.3.2, Office and Institutional (OI) (renumber as paragraph 4.3.3), paragraph 4.3.3, Commercial General (CG) (renumber as paragraph 4.3.4), paragraph 4.3.4, Science Research Park (SRP) (renumber as paragraph 4.3.5), paragraph 4.3.5, Industrial Light (IL) (renumber as paragraph 4.3.6), paragraph 4.3.6, Industrial (I) (renumber as paragraph 4.3.7), as set forth in the strikeouts and underlining below.

Sec. 4.1 General precedent

4.1.1 Establishment of Districts

- A.** The following zoning districts are hereby established, and are intended to implement the Comprehensive Plan. Each district is only appropriate in development tiers where it effectively implements the plan, as set forth below.

[All non-relevant portions of the table are omitted.]

		Development Tier					
Symbol	District	Rural	Suburban	Urban	Compact Neighborhood	Downtown	
Nonresidential Districts							<i>Former Districts</i>
CI	Commercial Infill			✓	✓		

-- NEW --

		Development Tier					<i>Former Districts</i>
Symbol	District	Rural	Suburban	Urban	Compact Neighborhood	Downtown	
CN	Commercial Neighborhood	✓	✓	✓	✓		NC
OI	Office and Institutional	✓	✓	✓	✓		O&I-1, O&I-2
CG	Commercial General	✓	✓	✓	✓		GC
SRP	Science Research Park		✓				RSCH, RAD
IL	Industrial Light		✓	✓	✓		I-2, CT
I	Industrial	✓	✓	✓			I-3

[Paragraph B is omitted.]

[Paragraphs 4.1.2 through 4.1.4 are omitted.]

[Section 4.2 is omitted.]

Sec. 4.3 Nonresidential District Intent Statements

Development guidelines for all nonresidential districts may be found in Sec. 6.10, Nonresidential District Development Intensity.

4.3.1 Commercial Infill (CI)

The Commercial Infill (CI) District is established to provide for small commercial and mixed use nodes within the Compact Neighborhood and Urban Tiers. These nodes are intended to provide for pedestrian-oriented development that supports the surrounding residential neighborhoods, and have limited vehicular accommodation. The CI District is only appropriate in locations that have direct access to residential neighborhoods. Businesses within the District should be sited to maximize visibility, convenience, and accessibility for pedestrians.

The CI District is used to implement the Comprehensive Plan within those areas shown as the Urban and Compact Neighborhood Tier.

4.3.2 Commercial Neighborhood (CN)

[Text is omitted.]

4.3.3 Office and Institutional (OI)

[Text is omitted.]

4.3.4 Commercial General (CG)

[Text is omitted.]

4.3.5 Science Research Park (SRP)

[Text is omitted.]

4.3.6 Industrial Light (IL)

[Text is omitted.]

4.3.7 Industrial (I)

[Text is omitted.]

[Sections 4.4 through 4.11 are omitted.]

SECTION 3

Modify Sec. 5.1, Use Table, paragraph 5.1.2, Use Table, as set forth in the strikeouts and underlining below.

Sec. 5.1 Use Table

[Paragraph 5.1.1 is omitted.]

5.1.2 Use Table

		RESIDENTIAL					NONRESIDENTIAL					PLANNED					DESIGN				
USE CATEGORY	SPECIFIC USE	RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	IL	I	PDR	UC	CC	IP	MU	DD	NOTES:
AGRICULTURAL USES (City Only)																					
Agriculture	All agriculture, except as listed below	P	L																		5.3.1A
	Forestry	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	5.3.1B
RESIDENTIAL USES																					
Household Living	Single-family detached	L	L	L	L	L	L		L						‡		‡L		‡		6.2.1, 6.3.2, 6.4.2, 6.5.2, 6.10.2, 7.1.2
	Zero lot line, patio home		L	L	L	L	L								‡				‡		6.3.2, 6.4.2, 6.5.2, 6.10.2, 7.1.3, 7.1.5
	Traditional house				L	L	L								‡						6.3.2, 6.4.2, 6.5.2, 6.10.2, 7.1.4
	Semi-attached house		L	L	L	L	L								‡						6.3.2, 6.4.2, 6.5.2, 7.1.6
	Duplex			L	L	L	L								‡				‡	L	6.3.2, 6.4.2, 6.5.2, 6.10.2, 6.12.2D, 7.1.7
	Townhouse			L	L	L	L	L	L	L					‡				‡	L	6.3.2, 6.4.2, 6.5.2, 6.10.2, 6.12.2D, 7.1.8
	Multiplex / apartment			L		L	L		L	L	L				‡		‡L		‡	L	6.3.2, 6.4.2, 6.5.2, 6.10.2, 6.12.2D, 7.1.9, 7.1.10

		RESIDENTIAL				NONRESIDENTIAL						PLANNED				DESIGN					
USE CATEGORY	SPECIFIC USE	RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	IL	I	PDR	UC	CC	IP	MU	DD	NOTES:
	Family care home	L	L	L	L	L	L				L				‡				‡	L	6.2.1, 6.3.2, 6.4.2, 6.5.2, 6.10.2, 7.1.2
Household Living	Manufactured home	L																			5.3.2D
	Manufactured home park or subdivision														‡L						5.3.2E
	Upper-story residential							<u>L</u>	L	L	L				‡		‡L		‡	P	6.10.2
Group Living	All group living, except as listed below			m	m	m	m	<u>m</u>	m		m				‡m				‡m	m	
	Commercial dorm			L/m		L/m	L/m	<u>L / m</u>	L/m		L/m					‡L				L	5.3.2A
	Congregate living facility			L/m	L/m	L/m	L/m	<u>L</u>	L	L	L				‡L/m				‡L/m	L	5.3.2B
	Group home		L/m	L/m	L/m	L/m	L/m	<u>L</u>	L	L	L				‡L/m				‡L/m	L	5.3.2C
PUBLIC AND CIVIC USES																					
Community Service	All community service, except as listed below	P	P	P	P	P	P	P	P	P	P				‡		‡		‡	P	
	Auditoriums									L	L	L				‡L	‡L		‡L	P	5.3.3A
	Clubs and lodges	m	m	m	m	m	m	L	L	L	L	L	L		‡m		‡L	‡L	‡	L	5.3.3C
	Museums	L/m	L/m	L/m	L/m	L/m	L/m	<u>L / m</u>	L/m	L	L					‡L	‡L		‡L	L	5.3.3G
Day Care	Day Care Home	P	P	P	P	P	P	P	P	P	P	P	P		‡	‡	‡		‡	P	
	Day Care Facility	L/m	L/m	L/m	L/m	L/m	L/m	L	L	L	L	L	L		‡L	L	‡L		‡L	L	5.3.3E
Educational Facilities	School, Elementary	L/m	L/m	L/m	L/m	L/m	L/m	P	P	P	P		P		‡L/m	‡	‡	‡	‡	P	5.3.3J

		RESIDENTIAL					NONRESIDENTIAL					PLANNED					DESIGN				
USE CATEGORY	SPECIFIC USE	RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	IL	I	PDR	UC	CC	IP	MU	DD	NOTES:
	School, middle or high	L/m	L/m	L/m	L/m	L/m	L/m	P	P	P	P		P		‡L/m	‡	‡	‡	‡	P	
	Universities or colleges		M	M	M	M	M	P		P	P	P	P		‡M	‡	‡	‡	‡	P	
	Vocational, trade or business schools							P		P	P	P	P				‡	‡	‡	P	
Government Facilities	All government facilities, except as listed below	L/m	L/m	L/m	L/m	L/m	L/m	P	L/m	P	P	P	P	P	‡L/m		‡	‡	‡	P	5.3.3F
	Correctional facilities												L/M	L/M			‡L/M	‡L/M		L/M	5.3.3D
Medical Facilities	All medical facilities, except as listed below							P	P	P	P		P				‡		‡	P	
	Hospitals							P		P	P		P			‡	‡		‡	P	
Parks and Open Areas	All parks and open areas, except as listed below	L	L	L	L	L	L	L	L	L	L	L	L	L	‡L	‡L	‡L	‡L	‡L	L	5.3.3H
	Cemeteries, mausoleums, columbaria, memorial gardens	P	P	P	P	P				P	P		P		‡		‡	‡	‡	L	5.3.3B
Passenger Terminals	All passenger terminals, except as listed below	M									M		M	M							
	Rail and Bus terminals				M	M	P		P	P	P	P	P			‡	‡	‡	‡	P	
Places of Worship	All places of worship	L/m	L/m	L/m	L/m	L/m	L/m	L	L	L	L		L		‡L/m	‡L	‡L	‡	‡L	L	5.3.3I
Social Service Institutions	All social service institutions										M		M						‡M	M	
Utilities	Major utilities	L/m	L/m									L	L	L				‡L		m	5.3.3L
	Minor utilities	L	L	L	L	L	L	L	L	L	L	L	L	L	‡L	‡L	‡L	‡L	‡L	P	
	TV/HDTV/AM/FM Broadcast Antennae	L										L	L	L				‡L		L	5.3.3K
	Wireless Communication Facility, except as Listed Below	L/M ¹	L	L	L	L	L	L	L	L	L	L	L	L	‡L	‡L	‡L	‡L	‡L	L	5.3.3M

		RESIDENTIAL					NONRESIDENTIAL					PLANNED					DESIGN				
USE CATEGORY	SPECIFIC USE	RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	IL	I	PDR	UC	CC	IP	MU	DD	NOTES:
	Wireless Communication Facility, Freestanding Nonconcealed	L/M ¹ / m	L/ m									L/m	L/m	L/m		‡L/ m	‡L/m	‡L/ M	‡L/ m	L/m	5.3.3M
COMMERCIAL USES																					
Indoor Recreation	All indoor recreation, except as listed below							P	P		P		P				‡	‡	‡	P	
	Adult establishment												L/m	L							5.3.4A
	Firing range, indoor										L		L	L			‡L				5.3.4J
	Nightclub or bar							L	L/ m		L		L				‡L		‡L	L	5.3.4O
Outdoor Recreation	All outdoor recreation, except as listed below	L/m							L/ m		L		L				‡L		‡		5.3.4P
	Campground, summer camp, RV camp	m																			
	Drive-in theatre										L/ m		L/m								5.3.4H
	Firing range, outdoor, archery, skeet	L/M												L/M							5.3.4K
	Golf course, country club, swim club, tennis club	L	L	L	L	L					L				‡L	‡L		‡L	‡L		5.3.4L
	Marina, boating facility	M																			
	Paintball	L/m									L/ m		L/m								5.3.4Q
	Stadium, arena									M			M			‡			‡M	M	
Overnight Accommodations	Hotel, motel, and extended stay residences							L		L	L		L			‡L	‡L	‡L	‡L	L	5.3.4M
	Bed and breakfast	L/m	L/ m	L/m	L/ m	L/m	L/ m	L	L	L	L				‡L/ m		‡L		‡L	L	5.3.4D
	Diet house								P	P	P						‡		‡	P	
Parking, Commercial	All commercial parking							L		L	L	P	L	P			‡		‡L	L	5.3.4F

		RESIDENTIAL					NONRESIDENTIAL					PLANNED					DESIGN				
USE CATEGORY	SPECIFIC USE	RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	IL	I	PDR	UC	CC	IP	MU	DD	NOTES:
Restaurants	All restaurants, except as listed below							P	P		P		P	I			‡	‡	‡	P	
	Drive-through facilities								L		L		L				‡L	‡L	‡L		5.3.4I
Retail Sales and Service	All retail sales and service, except as listed below							P	P		L		P			L	‡		‡	P	5.3.4B
	Antique shop	L						P	P		P		P				‡		‡	P	5.3.4C
	Art, music, dance, photographic studio or gallery							P	P	P	P		P				‡	‡	‡	P	
	Convenience store with gasoline sales								L		L		L				‡L		‡L	L	5.3.4G
	Drive-through facilities								L		L		L				‡L		‡L		5.3.4I
	Veterinary clinic, animal hospital, kennel	L						L	L	L	L		L	L			‡L	‡L	‡L	L	5.3.4U
Self-Service Storage	All self-service storage										L		L	L				‡L	‡L	L	5.3.4R
Vehicle Sales and Service	Car wash										L		L	L			‡L	‡L			5.3.4E
	Manufactured home sales										L		L	L				‡L			5.3.4N
	Vehicle sales, leasing or rental										L		L	L			‡L	‡L		L	5.3.4S
	Vehicle service												L	L				‡L			5.3.4T
	Vehicle service, limited							L	L/m		L		L	L			‡L	‡L	‡L		5.3.4T
OFFICE																					
Office	All offices, except those listed below							P	P	P	P	P	P				‡	‡	‡	P	
	Conference center, retreat house	L/m						L		L	L	L					‡L	‡L	‡L	L	5.3.5A
	Drive-through facilities								L	L	L	L	L				‡L	‡L	‡L		5.3.4I

		RESIDENTIAL					NONRESIDENTIAL					PLANNED					DESIGN				
USE CATEGORY	SPECIFIC USE	RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	IL	I	PDR	UC	CC	IP	MU	DD	NOTES:
INDUSTRIAL USES																					
Heavy Industrial	All heavy industrial, except as listed below													P							
	Asphalt plant													L/M							5.3.6A
	Concrete manufacturing plant													L/M							5.3.6B
	Hazardous and low-level nuclear disposal and storage													L/M							5.3.6C
	Wrecking, junk, and salvage yards												L/m	L							5.3.6H
Light Industrial Service	All light industrial service, except as listed below												P	P				‡		L	5.3.6D
	Research and development											P	P	P				‡		P	
Resource Extraction	All resource extraction													L/M							5.3.6E
Warehouse and Freight Movement	All warehouse and freight movement												P	P				‡			
Waste-Related Service	All waste-related services, except as listed below													M							
	Recycling centers												M	M							
	Transfer stations													L							5.3.6F
Wholesale Trades	All wholesale trade										m		P	P				‡		L	5.3.6G

[Footnotes are omitted.]

SECTION 4

Modify Sec. 6.2, Residential Rural (RR) Development Intensity, paragraph 6.2.1, Development Standards, paragraph A, Dimensional Standards, and add new paragraphs 1 through 4; Sec. 6.3, Residential Suburban (RS) Development Intensity, paragraph 6.3.1, Development Standards, paragraph A, Dimensional Standards, and add new paragraphs 1 through 8; Sec. 6.4, Residential Urban (RU) Development Intensity, paragraph 6.4.1, Development Standards, add new paragraph A, Dimensional Standards, and new paragraphs 1 through 4; Sec. 6.5, Residential Compact (RC) Development Intensity, paragraph 6.5.1, Development Standards, paragraph A, Dimensional Standards, and add new paragraphs 1 through 3; Sec. 6.9, Nonresidential Development in Residential Districts, paragraph 6.9.1, Dimensional Standards, paragraph A and add new paragraph 1; Sec. 6.10, Nonresidential District Development Intensity, paragraph 6.10.1, Nonresidential Development Standards, paragraph A, Rural Tier, add new paragraph 1, Standards for All Districts, and new paragraphs a through c, paragraph B, Suburban Tier, add new paragraph 1, Standards for the CN, OI and CG Districts, and new paragraphs a through d, new paragraph 2, Standards for the SRP, IL and I Districts, and new paragraphs a through f, and new paragraph 3, paragraph C, Urban Tier, add new paragraph 1, Standards for the CI District, and new paragraphs a through e, add new paragraph 2, Standards for the CN, OI and CG Districts, and new paragraphs a through c, and new paragraph 3, Standards for the IL and I Districts, new paragraphs a and b, and paragraph D, Compact Neighborhood Tier, add new paragraph 1, Standards for the CI District, and new paragraphs a through e, new paragraph 2, Standards for the CN and OI Districts, and new paragraphs a through c, and new paragraph 3, Standards for the CG and IL Districts, and new paragraphs a through d, and paragraph 6.10.2, Residential Development in Nonresidential Districts, paragraph B, Residential Density, add new paragraphs 1 through 3 as set forth in the strikeouts and underlining below.
[Sections 6.1, 6.6 through 6.8, and 6.11 through 6.13 are omitted.]

Sec. 6.2 Residential Rural (RR) Development Intensity

6.2.1 Development Standards

A. Dimensional Standards

1. All residential development in the RR District shall meet the standards in the table below, except that, any legally established lot of record created prior to the effective date of this Ordinance may be developed with a single family residence subject to Sec. 8.4, Floodplain and Flood Damage Protection Standards, and Sec. 8.7, Watershed Protection Overlay Standards, and the availability of water and wastewater treatment systems.

Dimensional Standard	Rural Tier Watershed		Rural Tier Non-Watershed		Suburban Tier	
	Min.	Max.	Min.	Max.	Min.	Max.
Residential Density (units per acre)						
Conventional Subdivision	---	0.33	---	0.5	---	1.4
Conservation Subdivision	---	0.5	---	0.75	---	2.0
Open Space (% of gross area) ¹						
Conventional Subdivision	---	---	---	---	---	---
Conservation Subdivision	50	---	50	---	50	---
Lot Area						
Conventional Subdivision (min.)	3 ac.	---	2 ac.	---	30,000 s.f.	---
Conservation Subdivision	X	---	X	---	X	---
Lot Width (feet)	200	---	150		100	---
Street Yard (feet)	50	---	50		50	---
Side Yard (feet)						
Minimum Each Side	25	---	12		12	---
Minimum Both Sides (total)	50	---	30		30	---
Rear Yard (feet)	50	---	25		25	---
Height (feet)	---	35	---	35	---	35

¹ Please see Sec.12.5, Recreation Land, for additional land dedication requirements that may apply.

2. Minimum lot areas for conservation subdivisions shall be approved by the County Health Department for individual wastewater treatment systems or "Package Plant" style wastewater treatment systems. Smaller lots may also be authorized by the approving authority in those areas where public wastewater systems have been approved.
3. Within a conservation subdivision, lot width and yard standards may be varied by the approving authority to reflect the clustering standards used by the conservation subdivision. The minimum street yard shall be eight feet.
4. Additional height may be permitted for non-farm structures at a rate of one additional foot for every one foot of additional setback provided. In no event shall the structure be more than 45 feet in height

[Paragraphs B and C are omitted.]

[Paragraphs 6.2.2 through 6.2.4 are omitted.]

Sec. 6.3 Residential Suburban (RS) Development Intensity

6.3.1 Development Standards

A. Dimensional Standards

1. All residential development in the RS Districts shall meet the standards in the table below. For illustrations, lot dimensions and required yards for each housing type, see [Sec. 7.1, Housing Types](#).

	RS-20		RS-10		RS-8		RS-M		
Dimensional Standard	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max. Without Development Plan	Max. with Development Plan (see 3.5.6)
Residential Density (units per acre)	---	2.0	---	3.5	---	5.0	---	8	10.5
Open Space(% of gross area) ²¹									
Conventional Subdivision	---	---	15	---	15	---	18	---	---
Cluster Subdivision	---	---	15 ⁴	---	15 ⁴	---	18	---	---
Useable Open Space	---	---	5	---	5	---	6	---	---
Site Area (acres)									
Conventional Subdivision	---	---	---	---	---	---	---	---	---
Cluster Subdivision	4	---	4	---	4	---	---	---	---
Site Width (feet)	---	---	---	---	---	---	200	---	---
Lot Area (square feet)									
Conventional Single-Family Detached	20,000	---	10,000	---	8,000	---	5,000	---	---
Other Housing Types	See Sec. 7.1, Housing Types								
Height (feet)	---	35	---	35	---	35	---	35	---

²¹Please see Sec. 12.5, Recreation Land, for additional land dedication requirements that may apply.

2. The maximum residential density does not apply to actions listed under Sec. 3.6.2, Actions Exempt from Subdivision Requirements. Where this maximum does apply, density may be increased in accordance with paragraph 6.3.3B, RS-M District Major Roadway Density Bonus, or Sec. 6.6, Affordable Housing Density Bonus. Other than these options the maximum density shown cannot be exceeded even though the use of an alternative housing type may impose smaller lot requirements.
3. For cluster subdivisions in the RS-20, RS-10, and RS-8 districts, the lot size reduction would be added to the minimum open space requirement.
4. For both conventional and cluster subdivisions in the RS-M district, open space requirements also apply to the development standards for apartments.
5. Minimum lot area for conventional, single family detached housing types may be reduced in accordance with paragraph 6.3.3C, Lot Averaging.
6. Additional height in the RS-20, RS-10, and RS-8 districts, may be permitted at a rate of one additional foot for every one foot of additional setback provided. In no event shall the structure be more than 10 feet in height.
7. For projects in the RS-M district, additional height may be permitted at a rate of one additional foot for every one foot of additional setback provided, if shown on

a development plan meeting the requirements of paragraph 3.5.6, Development Plan.

8. Minimum lot area may be higher as required by the County Health Department for individual wastewater treatment systems or “Package Plant” style wastewater treatment systems.

[Paragraph B is omitted.]

[Paragraphs 6.3.2 and 6.3.3 are omitted.]

Sec 6.4 Residential Urban (RU) Development Intensity

6.4.1 Development Standards

A. Dimensional Standards

1. All residential development in the RU districts shall meet the standards in the table below. For illustrations, lot dimensions and required yards for each housing type, see [Sec. 7.1, Housing Types](#).

	RU-5		RU-5(2)		RU-M		
Dimensional Standard	Min.	Max.	Min.	Max.	Min.	Max. Without Development Plan	Max. with Development Plan (see paragraph 3.5.6)
Residential Density (units per acre)							
Project Under 4 Acres	---	7.4	---	7.4	---	12	17.5
Project 4 Acres or Greater	6.0	8.7	6.0	8.7	8.0	12	17.5
Open Space (% of gross area) ¹	5	---	5	---	6	---	
Site Area Site Width Lot Area	See Sec. 7.1, Housing Types						
Height (feet)	---	35	---	35	---	55	

¹ Please see Sec. 12.5, Recreation Land, for additional land dedication requirements that may apply.

2. Maximum density may increase in accordance with paragraph 6.4.3, Residential Density, and/or Sec. 6.6, Affordable Housing Density Bonus. Other than these options, the maximum density may not be exceeded even though the use of an alternative housing type may impose smaller lot requirements.
3. Additional height in the RU-5 and the RU-5(2) districts may be permitted at a rate of one additional foot for every one foot of additional setback provided. In no event shall the structure be more than 45 feet in height.
4. If the project in the RU-M district is on at least a 4 acre lot, the maximum height may be increased up to 75 feet through the issuance of a Minor Special Use Permit.

[Paragraphs 6.4.2 and 6.4.3 are omitted.]

Sec. 6.5 Residential Compact (RC) Development Intensity

6.5.1 Development Standards

A. Dimensional Standards

1. All residential development in the RC District shall meet the standards in the table below. For illustrations, lot dimensions and required yards for each housing type, see [Sec. 7.1, Housing Types](#).

Dimensional Standard	RC	
	Min.	Max.
Residential Density (units per acre)		
Core Area	12.0	52.5
Support Area	6.0	17.5
Open Space (% of gross area) ¹		
	1.0	---
Core Area	2.0	---
Support Area	5.0	---
Site Area	See Sec. 7.1, Housing Types	
Lot Area		
Height (feet)		
Core Area	24	75
Support Area	---	45

¹Please see Sec. 12.5, Recreation Land, for additional land dedication requirements that may apply.

2. Maximum density may be increased in accordance with paragraph 6.5.3, Residential Density, and/or Sec. 6.6, Affordable Housing Density Bonus.
3. Maximum height in the RC Support Area may be increased to 50 feet if the building is not within 150 feet of the perimeter of the Compact Neighborhood Tier where the Tier adjoins any property zoned and used for residential purposes.

[Paragraph B is omitted.]

[Paragraphs 6.5.2 and 6.5.3 are omitted.]

Sec. 6.9 Nonresidential Development in Residential Districts

6.9.1 Dimensional Standards

- A. Nonresidential development in residential districts shall comply with the dimensional standards in the following table:

Development Standard	RURAL		SUBURBAN		URBAN		COMPACT	
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
Lot Area (square feet)	3 ac.	---	15,000	---	5,000	---	5,000	---
Lot Width (feet)	100	---	90	--	50	---	50	---
Open Space (% of gross area) ¹	---	---	10	---	3	---	---	---
Downtown	---	---	---	---	---	---	1.0	---
Core Area	---	---	---	---	---	---	1.0	---
Support Area	---	---	---	---	---	---	3.0	---
Street Yard								
Feet from ROW	50	---	25	---		20 ²		15 ²
% of Frontage	---	---	---	---	60	---	80	---
Side Yard (feet)								
Min Each Side	12	---	10	---	6	---	0	---
Min Both Sides (total)	30	---	24	---	15	---	0	---
Rear Yard (feet)	25	---	25	---	25	---	25	---
Building Coverage (%) ³	--	9	---	60	---	70	---	70
Height (feet)	---	45	---	45	---	45	---	45

¹Usable open space is not required for nonresidential development in residential districts, per paragraph 7.2.5A.

²Street yard may be modified subject to paragraph 6.8.3A, Street Yards.

³May be further restricted by watershed regulations in accordance with paragraph 8.7.2B, impervious Surface Limits.

- Principal uses listed in paragraph 5.2.4F, Parks and Open Areas, and paragraph 5.2.4J, Utilities, are exempt from the open space requirements in the table above.

[Paragraphs B and C are omitted.]

[Paragraphs 6.9.2 and 6.9.3 are omitted.]

Sec. 6.10 Nonresidential District Development Intensity

6.10.1 Nonresidential Development Standards

A. Rural Tier

All nonresidential development in the Rural Tier as designated in the Comprehensive Plan shall comply with the standards in the table below.

1. Standards for All Districts

Dimensional Standard	CN		CG		I	
	Min.	Max.	Min.	Max.	Min.	Max.
Site Area (acres)	2	---	3	---	10	---
Project Floor Area (square feet)	---	20,000	---	50,000	---	---
Lot Width (feet)	100	---	150	---	250	---
Street Yard (feet)	25	---	25	---	40	---
Side Yard (feet)	25	---	25	---	50	---
Rear Yard (feet)	25	---	25	---	50	---
Building Coverage (%) ¹	---	23	---	35	---	30
Height (feet)	---	25	---	25	---	50

¹Building coverage may be further restricted by the impervious surface requirements of paragraph 8.7.2B, Impervious Surface Limits.

- a. Minimum side yards in the CN and CG districts may be reduced to 15 feet if adjacent to a nonresidential district or use.
- b. Additional height in the I district, up to 145 feet, may be approved through the issuance of a Minor Special Use Permit pursuant to Sec. 3.9, Special Use Permit.
- c. A development within the CN district, with new project floor area over 5,000 square feet, no development plan, and residential zoning districts adjacent (including directly across a public right-of-way) to two or more property lines requires a Minor Special Use Permit pursuant to Sec. 3.9, Special Use Permit. The applicant shall hold a neighborhood meeting pursuant to paragraph 3.2.3, Neighborhood Meeting, unless it previously held one for the development at issue.

B. Suburban Tier

All nonresidential development in the Suburban Tier as designated in the Comprehensive Plan shall comply with the standards in the tables below:

1. Standards for the CN, OI and CG Districts

Dimensional Standard	CN		OI		CG	
	Min.	Max.	Min.	Max.	Min.	Max.
Site Area (square feet)	5,000	---	20,000	---	20,000	---
Project Floor Area (square feet)	---	20,000	---	---	---	---
Lot Width (feet)	50	---	60	---	100	---
Street Yard (feet)	25	---	25	---	25	---
Side Yard (feet)	15	---	20	---	25	---
Rear Yard (feet)	25	---	25	---	25	---
Building Coverage (%) ¹	---	60	---	60	---	60
Height (feet)	---	35	---	50	---	50

¹ Building coverage may be further restricted by the impervious surface requirements of paragraph 8.7.2B, Impervious Surface Limits.

- a. Side yards in the OI and CG district may be reduced by up to 50% if adjacent to a nonresidential district or use or a railroad right-of-way.
- b. Rear yards in the table above may be reduced by up to 50% if adjacent to a nonresidential district or use or a railroad right-of-way.
- c. Additional height in the OI district, up to 145 feet, may be approved through the issuance of a Minor Special Use Permit pursuant to Sec. 3.9, Special Use Permit.
- d. A development within the CN district, with new project floor area over 5,000 square feet, no development plan, and residential zoning districts adjacent (including directly across a public right-of-way) to two or more property lines requires a Minor Special Use Permit pursuant to Sec. 3.9, Special Use Permit. The applicant shall hold a neighborhood meeting pursuant to paragraph 3.2.3, Neighborhood Meeting, unless it previously held one for the development at issue.

2. Standards for the SRP, IL and I Districts

Dimensional Standard	SRP		IL		I	
	Min.	Max.	Min.	Max.	Min.	Max.
Site Area (square feet)	---	---	25,000	---	30,000	---
Lot Width (feet)	400	---	100	---	150	---
Street Yard (feet)	150	---	40	---	40	---
Side Yard (feet)	150	---	30	---	50	---
Rear Yard (feet)	150	---	25	---	40	---
Building Coverage (%) ¹	---	15	---	60	---	65
Height (feet)	---	120	---	50	---	90

¹Building coverage may be further restricted by the impervious surface requirements of paragraph 8.7.2B, Impervious Surface Limits.

- a. The street yard in the SRP district shall be increased by one foot for each acre of land in the site, up to a maximum of 250 feet.
 - b. Side and rear yards in the SRP District may be eliminated if adjacent to a railroad right of way, or may be reduced to 30 feet if adjacent to permanently protected open space and the building separation is at least 150 feet.
 - c. In the SRP district, no parking, loading, or storage shall be permitted within the required yard areas.
 - d. Side yards in the IL and I districts may be reduced by 10 feet if adjacent to a nonresidential district or use.
 - e. Rear yards in the IL and I districts may be reduced by up to 50% if adjacent to a railroad right-of-way.
 - f. Additional height, up to 145 feet, may be approved through the issuance of a Minor Special Use Permit pursuant to Sec. 3.9, Special Use Permit.
- 3.** Development in the Rural Villages of Bahama and Rougemont as designated in the Comprehensive Plan may use the Suburban Tier dimensional standards subject to Sec. 8.4, Floodplain and Flood Damage Protection Standards, Sec. 8.7, Watershed Protection Overlay Standards, and the availability of water and wastewater treatment systems.

C. Urban Tier

All nonresidential development in the Urban Tier as designated in the Comprehensive Plan shall comply with the standards in the tables below.

1. Standards for the CI District

Dimensional Standard	CI District	
	Min	Max
Lot Area	--	20,000
Street Yard from back of curb (feet)	10	15
Side Yard (feet)	--	10
Rear Yard (feet)	5	--
Height (feet)	--	35

- a. Buildings greater than 20,000 square feet may be approved in the CI district with a Minor Special Use Permit pursuant to Sec. 3.9, Special Use Permit.
- b. For sites where the streetscape has a slope greater than four percent, or where the required pedestrian path cannot be provided, the street yard can be reduced to 15 feet if one of more of the following is provided:
 1. Outdoor seating (benches, seat walls, etc); or
 2. Required bicycle parking; or
 3. Outdoor retail display space.
- c. Additional height in the CI district, up to 50 feet, may be approved if the building uses upper story step-backs at a ratio of one to one.
- d. Minimum ground floor glazing shall be 65% for all non-residential uses and 50% for residential uses.
- e. Where the right-of-way line is further from the curb than the maximum street yard, the right-of-way line shall be the required maximum street yard; structures shall not be allowed in the public right-of-way.

2. Standards for the CN, OI and CG Districts

Dimensional Standard	CN		OI		CG	
	Min.	Max.	Min.	Max.	Min.	Max.
Site Area (square feet)	5,000	---	20,000	---	20,000	---
Project Floor Area (square feet)	---	20,000	---	---	---	---
Lot Width (feet)	50	---	50	---	100	---
Street Yard From ROW (feet)	---	15	---	15	---	15
% of Frontage ¹	60	---	60	---	60	---
Side Yard (feet)	10	---	10	---	15	---
Rear Yard (feet)	25	---	25	---	25 ²	---
Building Coverage (%) ²	---	60	---	60	---	60
Height (feet)	---	35	---	90	---	50

¹ Street Yard may be modified using the provisions of paragraph 6.10.1E, Street Yard Variations.

² Building coverage may be further restricted by the impervious surface requirements of paragraph 8.7.2B, Impervious Surface Limits.

- a. Rear yards may be reduced by up to 50% if adjacent to a railroad right-of-way.
- b. Additional height in the OI and CG districts, up to 145 feet, may be approved, through the issuance of a Minor Special Use Permit pursuant to Sec. 3.9, Special Use Permit.
- c. A development within the CN district with new project floor area over 5,000 square feet, no development plan, and residential zoning districts adjacent (including directly across a public right-of-way) to two or more property lines requires a Minor Special Use Permit pursuant to Sec. 3.9, Special Use Permit. The applicant shall hold a neighborhood meeting pursuant to paragraph 3.2.3, Neighborhood Meeting, unless it previously held one for the development at issue.

3. Standards for the IL and I Districts

Dimensional Standard	IL		I	
	Min.	Max.	Min.	Max.
Site Area (square feet)	5,000	---	25,000	---
Lot Width (feet)	50	---	100	---
Street Yard From ROW (feet)	---	20 ¹	40	---
% of Frontage	60 ¹	---	---	---
Side Yard (feet)	15	---	40	---
Rear Yard (feet)	25	---	40	---
Building Coverage (%)	---	60	---	65 ²
Height (feet)	---	50	---	90

¹ Street yard may be modified using the provisions of paragraph 6.10.1E, Street Yard Variations.

² Building coverage may be further restricted by the impervious surface requirements of paragraph 8.7.2B, Impervious Surface Limits.

- a. Rear yards may be reduced by up to 50% if adjacent to a railroad right-of-way.
- b. Additional height, up to 145 feet, may be approved through the issuance of a Minor Special Use Permit pursuant to Sec. 3.9, Special Use Permit.

D. Compact Neighborhood Tier

All nonresidential development in the Compact Neighborhood Tier as designated in the Comprehensive Plan shall comply with the standards in the tables below.

1. Standards for the CI District

Dimensional Standard	CI District	
	Min	Max
Lot Area	--	20,000
Street Yard from back of curb (feet)	10	15
Side Yard (feet)	--	10
Rear Yard (feet)	10	--
Height (feet)	--	35

- a. Buildings greater than 20,000 square feet may be approved in the CI district with a Minor Special Use Permit pursuant to Sec. 3.9, Special Use Permit.
- b. For sites where the streetscape has a slope greater than four percent, or where the required pedestrian path cannot be provided, the street yard can be reduced to 15 feet if one of more of the following is provided:
 1. Outdoor seating (benches, seat walls, etc); or
 2. Required bicycle parking; or
 3. Outdoor retail display space.
- c. Additional height in the CI district, up to 50 feet, may be approved if the building uses upper story step-backs at a ratio of one to one.
- d. Minimum ground floor glazing shall be 65% for all non-residential uses and 50% for residential uses.
- e. Where the right-of-way line is further from the curb than the maximum street yard, the right-of-way line shall be the required maximum street yard; structures shall not be allowed in the public right-of-way.

2. Standards for the CN and OI Districts

Dimensional Standard	CN		OI	
	Min.	Max.	Min.	Max.
Project Floor Area (square feet)	---	20,000	---	---
Lot Width (feet)	50	---	50	---
Street Yard ¹				
From ROW (feet)	---	15	---	15
% of Frontage	60	---	60	---
Side Yard (feet)	10	---	10	---
Rear Yard (feet)	15	---	15	---
Height (feet)	---	35	---	120

¹ Street yard may be modified using the provisions of paragraph 6.10.1E, Street Yard Variations.

- a. Additional height in the OI district, up to 145 feet, may be approved through the issuance of a Minor Special Use Permit pursuant to Sec. 3.9, Special Use Permit.

- b. Height in the OI district shall be capped at 45 feet for any structures located within 150 feet of the perimeter of the Compact Neighborhood Tier where the Tier adjoins residentially used and designated property.
- c. A development within the CN district with new project floor area over 5,000 square feet, no development plan, and residential zoning districts adjacent (including directly across a public right-of-way) to two or more property lines requires a Minor Special Use Permit pursuant to Sec. 3.9, Special Use Permit. The applicant shall hold a neighborhood meeting pursuant to paragraph 3.2.3, Neighborhood Meeting, unless it previously held one for the development at issue.

3. Standards for the CG and IL Districts

Dimensional Standard	CG		IL	
	Min.	Max.	Min.	Max.
Lot Width (feet)	50	---	50	---
Street Yard ¹				
From ROW (feet)	---	15	---	15
% of Frontage	60	---	60	---
Side Yard (feet)	10	---	15	---
Rear Yard (feet)	15	---	15	---
Height (feet)	---	90	---	50

¹ Street yard may be modified using the provisions of paragraph 6.10.1E, Street Yard Variations.

- a. Additional height in the CG district, up to 145 feet, may be approved through the issuance of a Minor Special Use Permit pursuant to Sec. 3.9, Special Use Permit.
- b. Height shall be capped at 45 feet for any structures located within 150 feet of the perimeter of the Compact Neighborhood Tier where the Tier adjoins residentially used and designated property.
- c. Subject to the restriction in paragraph 6.10.1D.3.b above, OI uses allowed in IL districts located in the Compact Neighborhood Tier shall have a maximum height limit of 60 feet permitted by right. Additional height up to 75 feet may be approved through the issuance of a Minor Special Use Permit pursuant to Sec. 3.9, Special Use Permit.
- d. Subject to the restriction in paragraph 6.10.1D.3.b above, and notwithstanding paragraph 6.10.1D.3.c above, hotel, motel and extended stay uses, places of worship, government facilities (excluding correctional facilities), and lodges and clubs allowed in IL districts located in the Compact Neighborhood Tier shall have a maximum height limit of 80 feet permitted by right. Additional height up to 95 feet may be approved through the issuance of a Minor Special Use Permit pursuant to Sec. 3.9, Special Use Permit.

[Paragraph E is omitted.]

6.10.2 Residential Development in Nonresidential Districts

[Paragraph A is omitted.]

B. Residential Density

1. The residential density shall be based only on that portion of the tract dedicated to the residential use and the maximum residential density (shown as units per acre) allowed shall be as shown in the table below:

District	Rural	Suburban	Urban	Compact
CI	--	--	14 ^{1,2}	14 ^{1,2}
CN	0.2	8.7 ¹	10.5 ^{1,2}	14 ¹
OI	---	10.5 ¹	14 ^{1,2}	17.5 ¹
CG	0.2	10.5 ¹	14 ^{1,2}	17.5 ¹

¹ Density may be increased through use of the Sec. 6.6, Affordable Housing Density Bonus.

² Density may be increased through use of the options available under paragraph 6.4.3, Residential Density.

2. Density limits shall not apply to upper story residential units in the CI district.
3. No first floor residential shall be allowed in the CI District, except for townhome developments.

[Commentary is omitted.]

[Paragraph C is omitted.]

SECTION 5

Modify Sec. 9.4, Project Boundary Buffers, paragraph 9.4.3, Standards, paragraph B, Project Boundary Buffer Table, paragraph 9.4.5, Constructed Buffer, paragraph C, Urban, Compact Neighborhood, and Downtown Tiers, add new paragraphs 1 through 3, and paragraph 9.4.8, Walls, Berms and Fences in Buffers, Paragraph A, Walls, add new paragraph 5, new paragraphs a through c, new paragraph 6; Sec. 9.6, Street Trees, paragraph 9.6.2, Required Street Trees, paragraph A, and paragraph D, Street Trees in the DD District, paragraph 2, and paragraph 3, Alternative Street Tree Requirement, paragraph c; Sec. 9.8, Vehicular Use Area Landscaping, paragraph 9.8.1, General, paragraph C, Standards, add new paragraph 4, paragraph 5, paragraphs a through c, and paragraphs 6 and 7, paragraph 9.8.2, Vehicular Use Perimeter Landscaping, paragraph A, Vehicular Use Areas Visible From Streets, paragraph 2, Standards, paragraph b, Canopy Trees, paragraphs 1 and 2, and paragraph c, Shrubs, paragraphs 1 through 4, and paragraph B, Vehicular Use Areas Visible from Adjacent Property, paragraph 2, Standards, paragraph a, and paragraph b, paragraphs 1 and 3, and paragraph 9.8.4, Vehicular Use Area Landscaping in the DD District, paragraph A, Applicability, paragraph 1, and paragraph B, Standards, paragraph 1, General, paragraph a, Vehicular Use Area Perimeter Landscaping, paragraph b, Landscaping Within Vehicular Use Areas, paragraph 1, and paragraph 3, paragraphs a and b, paragraph 2, Trees, paragraph b, paragraph 3, Shrubs, and paragraph 4, Amenities; and Sec. 9.9, Fences and Walls, paragraph 9.9.2, Fences, paragraphs B and C, as set forth in the strikeouts and underlining below.

Sec. 9.4 Project Boundary Buffers

[Paragraphs 9.4.1, 9.4.2, 9.4.4, 9.4.6, 9.4.7, 9.4.9 and 9.4.10 are omitted.]

9.4.3 Standards

[Paragraph A is omitted.]

B. Project Boundary Buffer Table

		RR and PDR at Rural Density	RS-20, RS-10, RS-8 and PDR at Suburban Density	RU and PDR at Urban Density	RS-M, RU-M	RC	CI	CN	OI	SRP	MU	UC	CG	CC	IL	IP	I
ZONING DISTRICT OF SUBJECT PROPERTY	RR and PDR at Rural Density	0/0	0/2	.2/.6	.2/.8	.2/.8	0/2	.2/.6	.2/.6	.2/.6	.2/.6	.2/.6	.2/.8	.2/.8	.2/.8	.2/.8	.2/1.0
	RS-20, RS-10, RS-8 and PDR at Suburban Density	.2/.2	0/0	.2/.4	.2/.6	.2/.6	0/2	.2/.6	.2/.6	.2/.6	.2/.6	.2/.6	.2/.8	.2/.8	.2/.8	.2/.8	.2/1.0
	RU and PDR at Urban Density	.4/.6	.2/.4	0/0	.2/.6	.2/.6	0/2	.2/.6	.2/.6	.2/.6	.2/.6	.2/.6	.2/.8	.2/.8	.2/.8	.2/.8	.2/1.0
	RS-M, RU-M	.6/.8	.4/.6	.4/.6	.2/.4	.2/.4	0/2	.2/.6	.2/.6	.2/.6	.2/.6	.2/.6	.2/.8	.2/.8	.2/.8	.2/.8	.2/1.0
	RC	.6/.8	.4/.6	.4/.6	.2/.4	0/0	0/2	0/0	.2/.6	.2/.6	.2/.6	.2/.6	.2/.6	.2/.6	.2/.6	.2/.6	.2/1.0
	CI	.2/.2	.2/.2	.2/.2	.2/.2	.2/.2	0/0	0/0	0/0	0/0	0/0	0/0	0/0	0/0	.2/.4	.2/.4	.2/.4

		RR and PDR at Rural Density	RS-20, RS-10, RS-8 and PDR at Suburban Density	RU and PDR at Urban Density	RS-M, RU-M	RC	CI	CN	OI	SRP	MU	UC	CG	CC	IL	IP	I
	CN	.4/.6	.4/.6	.4/.6	.4/.6	0/0	0/0	0/0	0/0	0/0	0/0	0/0	.2/.6	.2/.6	.2/.6	.2/.6	.2/1.0
	OI	.4/.6	.4/.6	.4/.6	.4/.6	.4/.6	0/0	0/0	0/0	0/0	0/0	0/0	.2/.6	.2/.6	.2/.6	.2/.6	.2/1.0
	SRP	.4/.6	.4/.6	.4/.6	.4/.6	.4/.6	0/0	0/0	0/0	0/0	0/0	0/0	.2/.6	.2/.6	.2/.6	.2/.6	.2/1.0
	MU	.4/.6	.4/.6	.4/.6	.4/.6	.4/.6	0/0	0/0	0/0	0/0	0/0	0/0	.2/.6	.2/.6	.2/.6	.2/.6	.2/1.0
	UC	.4/.6	.4/.6	.4/.6	.4/.6	.4/.6	0/0	0/0	0/0	0/0	0/0	0/0	.2/.6	.2/.6	.2/.6	.2/.6	.2/1.0
	CG	.6/.8	.6/.8	.6/.8	.6/.8	.4/.6	0/0	.4/.6	.4/.6	.4/.6	.4/.6	.4/.6	.2/.4	.2/.4	.2/.4	.2/.4	.2/1.0
	CC	.6/.8	.6/.8	.6/.8	.6/.8	.4/.6	0/0	.4/.6	.4/.6	.4/.6	.4/.6	.4/.6	.2/.4	.2/.4	.2/.4	.2/.4	.2/1.0
	IL	.6/.8	.6/.8	.6/.8	.6/.8	.4/.6	.2/.4	.4/.6	.4/.6	.4/.6	.4/.6	.4/.6	.2/.4	.2/.4	.2/.4	.2/.4	.2/1.0
	IP	.6/.8	.6/.8	.6/.8	.6/.8	.4/.6	.2/.4	.4/.6	.4/.6	.4/.6	.4/.6	.4/.6	.2/.4	.2/.4	.2/.4	.2/.4	.2/1.0
	I	.8/1.0	.8/1.0	.8/1.0	.8/1.0	.8/1.0	.2/.4	.8/1.0	.8/1.0	.8/1.0	.8/1.0	.8/1.0	.8/1.0	.8/1.0	.8/1.0	.8/1.0	.2/.4

[Commentary and paragraphs 1 through 4 are omitted.]

9.4.5 Constructed Buffer

[Paragraphs A, B, and D through F are omitted.]

C. Urban, Compact Neighborhood, and Downtown Tiers

- The buffer width and planting requirements in the table below shall be used to meet the opacity standards established in paragraph 9.4.3B, Project Boundary Buffer Table for the Urban Tier and those areas of the Downtown and Compact Neighborhood Tiers that adjoin development in the Urban or Suburban Tiers and the opacity standards established in paragraph 9.4.1C for Design Districts.

URBAN, COMPACT, AND DOWNTOWN TIERS						
Opacity	Min. Width	Alt. 1 Mixed Evergreen	Alt. 2 Deciduous	Alt. 3 Evergreen	Alt. 4 Overhead Utility	Alt. 5 Intense
Plant Material Required Per 100 Linear Feet Of Buffer						
0.2	10 feet	1 Canopy Tree 1 Evergreen Tree 1 Decid. Understory 1 Evergr. Understory 3 Shrub	1 Canopy Tree 0 Evergreen Tree 1 Decid. Understory 0 Evergr. Understory 4 Shrub	0 Canopy Tree 1 Evergreen Tree 0 Decid. Understory 2 Evergr. Understory 4 Shrub	0 Canopy Tree 0 Evergreen Tree 2 Decid. Understory 1 Evergr. Understory 1 Shrub	
0.4	15 feet	2 Canopy Tree 1 Evergreen Tree 2 Decid. Understory 3 Evergr. Understory 9 Shrub	4 Canopy Tree 0 Evergreen Tree 3 Decid. Understory 0 Evergr. Understory 14 Shrub	0 Canopy Tree 3 Evergreen Tree 0 Decid. Understory 5 Evergr. Understory 12 Shrub	0 Canopy Tree 0 Evergreen Tree 5 Decid. Understory 3 Evergr. Understory 3 Shrub	
0.6	20 feet ¹	4 Canopy Tree 1 Evergreen Tree 3 Decid. Understory 5 Evergr. Understory 18 Shrub	7 Canopy Tree 0 Evergreen Tree 5 Decid. Understory 0 Evergr. Understory 27 Shrub	0 Canopy Tree 6 Evergreen Tree 0 Decid. Understory 9 Evergr. Understory 24 Shrub	0 Canopy Tree 0 Evergreen Tree 9 Decid. Understory 5 Evergr. Understory 5 Shrub	2 Canopy Tree 4 Evergreen Tree 2 Decid. Understory 0 Evergr. Understory 19 Shrub 6-Foot Wall ²
0.8	22.5 feet				0 Canopy Tree 0 Evergreen Tree 13 Decid. Understory 7 Evergr. Understory 7 Shrub 6-Foot Wall ²	3 Canopy Tree 5 Evergreen Tree 3 Decid. Understory 0 Evergr. Understory 28 Shrub 6-Foot Wall ²
1.0	37.5 feet				0 Canopy Tree 0 Evergreen Tree 13 Decid. Understory 7 Evergr. Understory 7 Shrub 6-Foot Wall ²	4 Canopy Tree 6 Evergreen Tree 4 Decid. Understory 0 Evergr. Understory 31 Shrub 6-Foot Wall ²

¹ Use of the Intense Buffer will permit reduction of buffer width up to 25%.

² A solid hedge composed of a minimum of 40 evergreen understory trees per 100 linear feet may be substituted for a 6-foot wall.

2. The interactive buffer model established pursuant to paragraph 9.4.7, Interactive Buffer Model, shall be permitted to calculate acceptable reductions in buffer width or variable mixes of plant units. The model may also be used when the slope of the buffer is at least 15%, as set forth in paragraph 9.4.5D, Existing Slope Impacts.
3. For projects within the CI district, an alternative to project boundary buffers shall be permitted with the following provisions:
 - a. A solid hedge composed of a minimum of 40 evergreen understory trees per 100 linear feet is used in lieu of the buffer; or
 - b. A wall pursuant to paragraph 9.4.8, Walls, Berms and Fences in Buffers, is provided so long as any wall that is a structural part of a building may only be used if there is no glazing in the wall.

9.4.8 Walls, Berms and Fences in Buffers

Where walls, berms or fences are built within any required project boundary buffer, they shall meet the following requirements.

A. Walls

[Paragraphs 1 through 4 are omitted]

5. Walls used within the CI district in lieu of a required buffer width shall be permitted, with the following provisions:
 - a. The wall shall have a minimum height of eight feet;
 - b. The wall is not within sight distance triangle(s).
6. Within the CI District, an alternative project boundary buffer shall be permitted when the adjoining lot has a wall included as part of a required buffer, the wall is located within five feet of the property line, and a recorded easement exists for the wall and buffer.

[Paragraphs B and C are omitted.]

Sec. 9.6 Street Trees

[Paragraphs 9.6.1, 9.6.3 and 9.6.4 are omitted.]

9.6.2 Required Street Trees

- A. In all developments outside the CI or DD Districts, except residential development exempted pursuant to paragraph 9.6.1, Applicability, the developer shall either retain or plant trees such that there is an average of at least one street tree for every 40 feet of street frontage along the sides of all existing and proposed rights-of-way (except alleys), and private street easements. Street trees shall be located within 30 feet of the right-of-way or street easement and in a street yard unless the City Public Works Director or the NCDOT, or designees as appropriate authorize their location in a right-of-way and, if the trees are existing trees, the root protection zone outside of the right-of-way is protected, except where the location of the street trees in the right-of-way will conflict with public utilities. If a conflict exists with public utilities, street trees shall be located in the required street yard.

[Paragraphs B and C are omitted.]

D. Street Trees in the CI and DD Districts

[Paragraph 1 is omitted.]

2. Street trees shall be located in the right-of-way or street easement unless the Public Works Director or NCDOT, as appropriate, requires an alternate location or requires the use of a Street Tree Alternative pursuant to paragraph 9.6.2D.3, below.

[Commentary is omitted.]

3. Alternative Street Tree Requirement

- a. If the prescribed street tree location is in conflict with any public utility or traffic control device, an alternative may be provided in lieu of the street tree requirement with the approval of the Planning Director or designee.
- b. Where development incorporates existing buildings and the distance from the back-of-curb to the building face is less than 10 feet, an alternative may be provided in lieu of the street tree requirement with the approval of the Planning Director or designee.
- c. Street tree alternatives, when provided, shall comply with the standards in the table below:

Alternative	Standards	CI	DD
Public Art	Shall provide a minimum of 100 square feet of public art along the street frontage in-lieu of each required street tree	--	√
Green screen or wall	Shall be a minimum of 100 square feet along the street frontage in-lieu of each required street tree and shall be a minimum of 50% evergreen.	--	√
Awnings	Shall be a minimum of 10 linear feet along the street frontage in-lieu of each required street tree and shall be a minimum of 5 feet in depth and kept in good repair.	√	√
Landscape Planters	Shall provide a minimum of 2 landscape planters with a planting area of 5 square feet or greater in-lieu of each required street tree. Planters must be continually planted and maintained.	√	√

Sec. 9.8 Vehicular Use Area Landscaping

9.8.1 General

[Paragraphs A and B are omitted.]

C. Standards

[Paragraphs 1 through 3 are omitted.]

4. Unless specifically stated otherwise, all canopy trees used for vehicular use area landscaping shall be 2 ½ inch caliper at the time of installation.
5. A contiguous growing area not encroached upon by impervious pavement, shall be provided for each tree.
 - a. In the Suburban and Rural Tiers, the minimum contiguous growing area shall be 250 square feet.
 - b. In the Urban and Compact Neighborhood Tiers, the minimum contiguous growing area shall be 200 square feet. Sidewalks shall be permitted to encroach in that growing area, if a critical root path system is used, in conformance with the Durham Landscape Guidelines, and the required sidewalk clear zones are maintained.
 - c. In the Downtown Tier the minimum contiguous growing area shall be 150 square feet. Sidewalks may be permitted to encroach in that growing area if a critical root path system is used, in conformance with the Durham Landscape Guidelines, and required clear zones, as per paragraph 6.12.3F.1, Sidewalks, are maintained.
6. Unless specifically stated otherwise, shrubs shall be installed at a minimum height of 15 inches, and shall be of a species expected to reach a minimum height of 30 inches and a minimum spread of 30 inches within five years of planting. Shrubs planted within sight distance triangles shall have a maximum mature height of 30 inches.
7. At least 60% of required shrubs shall be evergreen.

9.8.2 Vehicular Use Area Perimeter Landscaping

A. Vehicular Use Areas Visible From Streets

[Paragraph 1 is omitted.]

2. Standards

[Paragraph a is omitted.]

b. Canopy Trees

- (1) Canopy trees (except under overhead power lines, where understory trees shall be used) shall be planted at the rate of one tree per 40 linear feet of vehicular use area along the street, less driveway widths.
- (2) Areas with canopy trees shall be at least 10 feet deep from right-of-way to back of curb or pavement edge.

[Paragraph (3) is omitted.]

c. Shrubs

- (1) Shrubs shall be planted at the rate of one shrub per three linear feet of property line abutting public streets less driveways. The spacing may be varied based upon size of installed plant materials.
- (2) A wall consistent with the requirements of Sec. 9.9, Fences and Walls, and at least 30 inches tall may be substituted for the required shrubs.

B. Vehicular Use Areas Visible from Adjacent Property

[Paragraph 1 is omitted.]

2. Standards

- a. The minimum landscaped area shall be large enough to accommodate the plant materials required in paragraph 9.8.2B.2.b below, but shall not be less than six square feet per linear foot of vehicular use area edge facing off site, unless wheel stops are provided, in which case the minimum area may be reduced to four square feet.
- b. Required landscaping shall consist of the following materials:
 - (1) Evergreen or deciduous canopy trees, at the rate of one per 25 linear feet of vehicular use area, to be planted within an area with a minimum dimension of 10 feet in the vicinity of the tree.

[Paragraph (2) is omitted.]

- (3) Evergreen shrubs at the rate of one per four linear feet of required planting area.

[Paragraph c is omitted.]

[Paragraph 9.8.3 is omitted.]

9.8.4 Vehicular Use Area Landscaping in the CI and DD Districts

A. Applicability

1. This section applies to any vehicular use area located in the CI and DD Districts that is not located within a parking structure, including parking lots where no building permit is required.

[Paragraph 2 is omitted.]

B. Standards

1. General

a. Vehicular Use Area Perimeter Landscaping

A landscaped area equal to six square feet for each linear foot of street frontage shall be provided adjacent to and outside of the right-of-way. This area shall be provided along the entire street frontage, less driveways, and shall have a minimum depth of three feet and a maximum depth of 10 feet.

b. Landscaping within Vehicular Use Areas

- (1) Vehicular use areas completely internal to the block and not adjacent to a street shall be exempt from providing landscaping, except as stated in paragraph 9.8.4B.1.b(3) below.

[Paragraph (2) is omitted.]

- (3) The provision of paragraph 9.8.4B.1.b(1) above shall not apply to projects in the CI District where the vehicular use area is greater than 10,000 square feet or 40 parking spaces, whichever is larger, but shall instead meet the following standards:

- (a) Such parking areas shall be required to meet the standards of paragraph 9.8.3, Landscaping within Vehicular Use Areas.
- (b) Such parking areas shall provide a pedestrian path at least four feet wide, unobstructed and clear of vehicle overhang, paved with unit pavers or a monolithic surface, and which shall connect the parking area to the sidewalk or building.

[Paragraph c is omitted.]

2. Plant Materials

- a. Canopy trees shall be planted at a rate of one tree per 30 linear feet of vehicular use area street frontage. Street trees may be used to meet this requirement.
- b. Shrubs shall be required at a rate of one per four linear feet of required landscape area.

3. Amenities

Streetscape amenities in the Design District may be located in the vehicular use area landscaping area, adjacent to the street.

Sec. 9.9 Fences and Walls

[Paragraph 9.9.1 is omitted.]

9.9.2 Fences

[Paragraph A is omitted.]

- B. Razor wire, concertina wire, barbed wire, and similar fencing materials shall be prohibited in all residential districts and in sites adjacent to residential, except in the Rural Tier.
- C. Uncoated chain link fencing shall not be permitted within the CI District.

[Paragraphs 9.9.3 through 9.9.5 are omitted.]

SECTION 6

Modify Sec. 10.3, Required Parking, paragraph 10.3.1, Required Motorized Vehicle and Bicycle Parking, paragraph A, Rural, Suburban, and Urban Tiers, paragraph 1, Minimum, and paragraph B, Motor Vehicle Parking in Compact Neighborhood Tiers, paragraph 3; Sec. 10.4, Design Standards, paragraph 10.4.1, In General, paragraph A, Location of Parking, paragraph 2, Urban Tier, add new paragraphs a through d, and paragraph 10.4.4, Design Standards for Bicycle Parking, paragraph C, Standards for Other Tiers, add new paragraph 6; and Sec. 10.7, Loading Areas, paragraph 10.7.1, Location, as set forth in the strikeouts and underlining below.

[Sections 10.1, 10.2, 10.5, and 10.6 are omitted]

Sec. 10.3 Required Parking

10.3.1 Required Motorized Vehicle and Bicycle Parking

A. Motor Vehicle Parking in Rural, Suburban, and Urban Tiers

1. Minimum

- a. Off-street parking spaces shall be provided for all uses listed below in the amounts specified below. Uses not listed shall be reviewed by the Planning Director, or designee, for a determination of the required spaces. Buildings with multiple uses shall calculate parking based on the standard for each use in the building, but bicycle parking shall in any case meet the highest minimum standard for the uses.
- b. For sites within the CI District, in any tier, the required number of motorized and bicycle parking shall be equal to the requirements for the Compact Neighborhood Tier, as found in the table below and in paragraph 10.3.1B, Motor Vehicle Parking in the Compact Neighborhood Tiers. Other standards, such as location and design, shall follow the standards of the tier in which the site is located.

[Table and paragraph 2 are omitted.]

B. Motor Vehicle Parking in Compact Neighborhood Tiers

[Paragraphs 1, 2, and 4 and commentary are omitted.]

3. Any change of use within an existing building in the Pedestrian Business district of a Compact Neighborhood Regulating Plan, upon adoption of such district, or within the CI District, shall be exempt from off-street parking requirements. New buildings or expansion areas of existing buildings within the Pedestrian Business district, or within the CI District, shall be required to meet all off-street parking requirements.

[Paragraphs C and D are omitted.]

[Paragraphs 10.3.2 through 10.3.4 are omitted.]

Sec. 10.4 Design Standards

10.4.1 In General

A. Location of Parking

[Paragraphs 1, 3 and 4 are omitted.]

2. Urban Tier

- a. In the Urban Tier, at least two-thirds of all off-street parking for nonresidential uses shall be located to the side and rear of structures.
- b. In the CI district, all new off-street parking shall be located to the side and/or rear of structures.
- c. The Planning Director, or designee, shall have the authority to adjust the requirements of paragraphs a. and b. above, to permit additional parking to be located in areas other than to the side or rear of a structure, for situations where the particular constraints of the site (such as topography) preclude the ability to locate the required parking in areas other than to the side or rear of the building.
- d. For every twenty-three (23) contiguous feet of street frontage for which there is adjacent permitted on-street parking, excluding handicapped accessible spaces, minimum required motor vehicle off-street parking shall be reduced by one (1) space. Credit for on-street parking shall only be counted towards one of the uses in any multi-use development. Credit shall not be given for a partial space.

[Paragraphs B and C are omitted.]

[Paragraphs 10.4.2 and 10.4.3 are omitted.]

10.4.4 Design Standards for Bicycle Parking

[Paragraphs A and B are omitted.]

C. Standards for Other Tiers

[Paragraphs 1 through 5 are omitted.]

6. Bicycle parking facilities within the CI District shall be located within 50 feet of the primary building entrances and be visible from the public right-of-way. Racks shall be provided as part of the streetscape amenities, unless an alternative location is approved by the Planning Director or designee, in consultation with the City or State transportation authority.

Sec. 10.7 Loading Areas

10.7.1 Location

No loading spaces shall be located within 30 feet of street intersections or in any required yard space, except in the CI and DD Districts where the required distance shall be 20 feet. Street intersections shall be measured from back-of-curb.

[Paragraphs 10.7.2 through 10.7.9 are omitted.]

SECTION 7

Modify Sec. 16.3, Defined Terms, as set forth in the strikeouts and underlining below.

[Sections 16.1 and 16.2 are omitted.]

Sec. 16.3 Defined Terms

Glazing: The portion of the building facade or external materials which are composed of glass. Glazing is used in transparency calculations and is includes glass used in the doors and windows of the building.

SECTION 8

That the Unified Development Ordinance shall be renumbered as necessary to accommodate these changes and clarifications.

SECTION 9

That this amendment of the Unified Development Ordinance shall become effective upon adoption, except that an application submitted on or before [date of adoption by final governing body] may, at the applicant's discretion, be exempt.